

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: LUCIANO MORALES,	:
Plaintiff, :	13 Civ. 06844 (LGS) (DF)
-against- :	<u>OPINION & ORDER</u>
: CAROLYN W. COLVIN,	:
Defendant. :	:
-----X	:

LORNA G. SCHOFIELD, District Judge:

Before the Court is the Report and Recommendation of Magistrate Judge Debra Freeman (the “Report”), recommending that Plaintiff’s motion for judgment on the pleadings be granted in part, and that Defendant’s cross-motion be denied. For the reasons stated below, the Report is adopted in its entirety.

Plaintiff Luciano Morales brings this action against Defendant Carolyn W. Colvin, Acting Commissioner of Social Security (the “Commissioner”), seeking judicial review of a final decision of the Commissioner denying Plaintiff Supplemental Security Disability benefits under the Social Security Act. The parties filed cross-motions for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). On February 10, 2015, Judge Freeman issued the Report, to which no objection was filed.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The district court “may adopt those portions of the report to which no specific, written objection is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.”

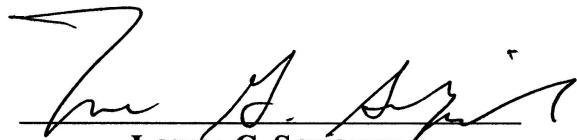
Adams v. N.Y.S. Dep't of Educ., 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (internal quotation marks omitted) (citing Fed. R. Civ. P. 72(b) and *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

The factual and legal bases underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Report is ADOPTED in its entirety as the decision of the Court. Plaintiff's motion for judgment on the pleadings is GRANTED to the extent that Plaintiff requests that his claim be remanded for further consideration of his mental impairments. Defendant's cross motion is DENIED.

The Clerk of Court is directed to close the motions at Docket Nos. 15 and 19 and to close this case.

SO ORDERED.

Dated: May 4, 2015
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE